

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATIONAL OILWELL VARCO, L.P.

Plaintiff,

vs.

JULIO GARZA,

Defendant.

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Civil Action No. 4:22-CV-02006

[PROPOSED] ORDER AMENDING FORENSIC PROTOCOL

Based upon the agreement of National Oilwell Varco, L.P. and Julio Garza as reflected in the parties' Joint Agreed Motion to Enter Order Amending Forensic Protocol, and the need for entry of an amendment to the previously ordered Forensic Protocol [Dkt. 62-1], in order to align the actions of the third-party vendor with the orders of this Court, the Court enters this Order Amending Forensic Protocol, amending only those provisions of the Forensic Protocol set forth herein.

1. The following sentence of Section 12(c) of the Forensic Protocol is deleted: "The parties will confer in good faith regarding further steps or destruction of files located from the Search Terms search, if any."
2. Section 12(d) of the Forensic Protocol is deleted in its entirety and replaced with the following:

"Vendor has forensically wiped and destroyed the files it located on the personal Hotmail.com and Gmail.com accounts from the File Names search and the Search Terms from the Hotmail.com and Gmail.com account, and the vendor provided a certificate of destruction, along with a list of files destroyed to counsel for Plaintiff and Defendant on August 12, 2022. The list of files destroyed attached to the

certificate of destruction contains documents which are identified by Garza as Personal, Array Information, and Privileged in accordance with the protocol, and such information was not to be shared with counsel for Plaintiff under the protocol. As such, Plaintiff will not review and will delete all instances of the certificate of destruction containing the full list of files destroyed provided by the vendor. On or before August 22, 2022, Defendant will provide a redacted copy of the certificate of destruction, redacting from the list of files destroyed only the information pertaining to those documents identified by Garza as Personal, Array Information and/or Privileged in accordance with the protocol.”

3. A new Section 12(e) is added, as follows:

“On or before August 26, 2022, vendor will download to a USB drive those files identified by Garza as Personal, Array Information or Privileged, which were destroyed by the vendor under this Section. The vendor will send that USB drive to Garza so that Garza has access to his personal information contained in his personal email.”

4. Any provision of the Forensic Order not amended by this Order Amending Forensic Protocol remains in place and in effect.

DATED: August __, 2022.

U.S. DISTRICT COURT JUDGE